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Email: OTL.NewYork@Gmail.com
 Rubin v. NYCBOE
 20-cv-10208-LGS-KHP

APPLICATION DENIED

SO ORDERED:

*Katharine H Parker*HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 12/12/2022

Letter Motion
To Deny Defendants submission of a Reply brief
 -Three (3) Months Late
 Request for Sanctions

TO: Honorable Judge Lorna Schofield
 Honorable Judge Katherine Parker

November 29, 2022

Dear Judge Parker;

It is a relief to receive the Order at #247, in which you have agreed to recognize my lawfully filed Opposition to the Motion to Dismiss.

I also noticed that you made threats to me, about dismissing my case should I be late again. This was an inappropriate and discriminatory statement. It is astounding that, after what we have been put through due to the Court's prior failure to cooperate, that you would make such a statement. This will be further addressed in another document.

I also noticed that you have allowed NYC Law Dept. to file a reply brief, and even absent their making a motion to so request. This is not appropriate, and I most strongly object and move that they should not be allowed a reply brief, for the following reasons:

1. In early September, instead of diligently preparing their reply brief, the NYC Law Department continued their ruthless attack on my case and my person, one which was clearly disability discrimination at that time, and is today.
2. I warned them at the time that if they failed to submit their reply brief at that time, they might not have a chance to do it in the future, that is at this time.
3. The original due date was in September. Your rules require seeking an extension a few days prior to the date. This is now close to 3 months afterwards.
4. I have been put through 3 months of H-11 as a result of the improper refusal to allow the utterly reasonable accommodation of filing a brief a day late.
5. I have been forced to spend 3 months petitioning this court, to the exclusion of almost all other life activities. The failure to allow my Opposition has caused my medical problem to worsen, and has caused multiple other harmful consequences in my life.
6. While I believe that the court erred in failing to immediately accept the Opposition, the NYC Law Dept. should be held accountable for forcing the issue and asking the court to not have to file the reply in September; and by their causing the extensive harm, including wasting significant court resources on their reckless vendetta.
7. While a federal judge is not personally subject to the ADA, the NYC Law Dept. and defendants are.
8. Whereas I had done nothing wrong, and have been horribly punished, and which punishment has been disability discrimination; the defendants have behaved very badly, actively engaged in disability discrimination, and deserve to be sanctioned, i.e. punished.

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9. As the NYC Law Department and Defendants sought to cause me harm by causing the court to improperly refuse to recognize my Opposition; it seems a fitting response for the court to deny them the submission of a reply brief.

This court had completely denied my Opposition, on which I had labored for months. To deny them a reply brief will not come close to evening things out, but at least it is in the right direction.

Other issues raised in Order at #247 will be addressed in a separate document.

Respectfully Submit,

On this 29th day of November, 2022

S / Lise Rubin Electronically signed.

Lise Rubin
677 Kent Ave.
Teaneck, NJ 07666
917-513-2630 OTL.NewYork@gmail.com

Cc: VIA ECF

Elisheva Rosen, Assistant Corporation Counsel
Attorney for Defendants
100 Church Street, Room 2-316,
New York, New York 10007
212 (356-3522) erosen@law.nyc.gov